

**To:** Hough, Palmer[Hough.Palmer@epa.gov]; Moulta-Ali, Abu[Moulta-Ali.Abu@epa.gov]  
**From:** Pendergast, Jim  
**Sent:** Wed 6/25/2014 2:02:12 PM  
**Subject:** RE: Questions from Rhinelander Newswatch RE: Ojibwe request to EPA under 404(c) -- deadline today at 3pm  
[AX-14-001-1153 Wiggins.pdf](#)

## Ex. 5 - Deliberative

**From:** Hough, Palmer  
**Sent:** Wednesday, June 25, 2014 9:47 AM  
**To:** Pendergast, Jim; Moulta-Ali, Abu  
**Subject:** FW: Questions from Rhinelander Newswatch RE: Ojibwe request to EPA under 404(c) -- deadline today at 3pm

## Ex. 5 - Deliberative

**From:** Hough, Palmer  
**Sent:** Wednesday, June 25, 2014 9:30 AM  
**To:** Loop, Travis; Holsman, Marianne; Wester, Barbara; Cassell, Peter; Cannon, Phillippa; Rowan, Anne; Swenson, Peter; Melgin, Wendy; Pendergast, Jim  
**Cc:** Singer, Joshua; Deamer, Eileen; Kelley, Jeff  
**Subject:** RE: Questions from Rhinelander Newswatch RE: Ojibwe request to EPA under 404(c) -- deadline today at 3pm

## Ex. 5 - Deliberative

# Ex. 5 - Deliberative

**From:** Loop, Travis

**Sent:** Tuesday, June 24, 2014 7:29 PM

**To:** Holsman, Marianne; Wester, Barbara; Cassell, Peter; Cannon, Phillippa; Rowan, Anne; Swenson, Peter; Melgin, Wendy; Pendergast, Jim; Hough, Palmer

**Cc:** Singer, Joshua; Deamer, Eileen; Kelley, Jeff

**Subject:** Re: Questions from Rhinelander Newswatch RE: Ojibwe request to EPA under 404(c) -- deadline today at 3pm

## Ex. 5 - Deliberative

Travis Loop  
Director of Communications  
Office of Water  
U.S. Environmental Protection Agency

202-870-6922

---

**From:** Holsman, Marianne

**Sent:** Tuesday, June 24, 2014 3:55:10 PM

**To:** Loop, Travis; Wester, Barbara; Cassell, Peter; Cannon, Phillippa; Rowan, Anne; Swenson, Peter; Melgin, Wendy; Pendergast, Jim

**Cc:** Singer, Joshua; Deamer, Eileen; Kelley, Jeff

**Subject:** RE: Questions from Rhinelander Newswatch RE: Ojibwe request to EPA under 404(c) -- deadline today at 3pm

# Ex. 5 - Deliberative

**Follow @EPAnorthwest on Twitter!** <https://twitter.com/EPAnorthwest>

**From:** Loop, Travis

**Sent:** Tuesday, June 24, 2014 12:03 PM

**To:** Wester, Barbara; Cassell, Peter; Cannon, Phillippa; Rowan, Anne; Swenson, Peter; Melgin, Wendy; Holsman, Marianne; Pendergast, Jim

**Cc:** Singer, Joshua; Deamer, Eileen; Kelley, Jeff

**Subject:** Re: Questions from Rhinelander Newswatch RE: Ojibwe request to EPA under 404(c) -- deadline today at 3pm

## Ex. 5 - Deliberative

Travis Loop  
Director of Communications  
Office of Water  
U.S. Environmental Protection Agency  
202-870-6922

---

**From:** Wester, Barbara  
**Sent:** Tuesday, June 24, 2014 2:57:39 PM  
**To:** Cassell, Peter; Cannon, Phillippa; Rowan, Anne; Swenson, Peter; Melgin, Wendy  
**Cc:** Singer, Joshua; Deamer, Eileen; Kelley, Jeff; Loop, Travis  
**Subject:** RE: Questions from Rhinelander Newswatch RE: Ojibwe request to EPA under 404(c) -- deadline today at 3pm

## Ex. 5 - Attorney Client

**From:** Cassell, Peter  
**Sent:** Tuesday, June 24, 2014 1:54 PM  
**To:** Cannon, Phillippa; Rowan, Anne; Swenson, Peter; Melgin, Wendy; Wester, Barbara  
**Cc:** Singer, Joshua; Deamer, Eileen; Kelley, Jeff; Loop, Travis  
**Subject:** Re: Questions from Rhinelander Newswatch RE: Ojibwe request to EPA under 404(c) -- deadline today at 3pm

## Ex. 5 - Deliberative

---

**From:** Cannon, Phillippa  
**Sent:** Tuesday, June 24, 2014 1:51:54 PM  
**To:** Rowan, Anne; Swenson, Peter; Cassell, Peter; Melgin, Wendy; Wester, Barbara  
**Cc:** Singer, Joshua; Deamer, Eileen; Kelley, Jeff  
**Subject:** RE: Questions from Rhinelander Newswatch RE: Ojibwe request to EPA under 404(c) -- deadline today at 3pm

# Ex. 5 - Deliberative

**From:** Rowan, Anne

**Sent:** Tuesday, June 24, 2014 1:21 PM

**To:** Swenson, Peter; Cassell, Peter; Melgin, Wendy; Wester, Barbara

**Cc:** Singer, Joshua; Deamer, Eileen; Kelley, Jeff; Cannon, Phillippa

**Subject:** Questions from Rhinelander Newswatch RE: Ojibwe request to EPA under 404(c) --deadline today at 3pm

# Ex. 5 - Deliberative

Anne Rowan, Chief

Public Affairs Section

Office of External Communications

U.S. EPA Region 5, Chicago

[rowan.anne@epa.gov](mailto:rowan.anne@epa.gov)

312-353-9391

**From:** Swenson, Peter

**Sent:** Tuesday, June 24, 2014 1:07 PM

**To:** Cassell, Peter; Melgin, Wendy

**Cc:** Rowan, Anne; Singer, Joshua; Deamer, Eileen

**Subject:** RE: Ojibwe request to EPA under 404(c)

Ex. 5 - Deliberative

# Ex. 5 - Deliberative

*Peter Swenson (WW-16J)*

*Chief, Watersheds and Wetlands Branch*

*U.S. Environmental Protection Agency, Region 5*

*77 West Jackson Boulevard*

*Chicago, Illinois 60604*

*312-886-0236*

*[swenson.peter@epa.gov](mailto:swenson.peter@epa.gov)*

**From:** Cassell, Peter

**Sent:** Tuesday, June 24, 2014 10:39 AM

**To:** Swenson, Peter; Maraldo, Dean

**Cc:** Rowan, Anne; Singer, Joshua; Deamer, Eileen

**Subject:** Fw: Ojibwe request to EPA under 404(c)

## Ex. 5 - Deliberative

---

**From:** Ben Meyer <[bmeyer@wjfw.com](mailto:bmeyer@wjfw.com)>

**Sent:** Tuesday, June 24, 2014 9:15:57 AM  
**To:** Cassell, Peter  
**Subject:** Ojibwe request to EPA under 404(c)

Hi Peter,

Thanks for your help on the phone a moment ago. Attached is the letter sent by the Ojibwe tribes to the EPA asking the agency to use its authority under Section 404(C) of the Clean Water Act to stop mine permitting activities in northern Wisconsin. I did find a fact sheet about 404(C) "veto" authority on the EPA website, but I want to make sure I understand it fully. Specifically, I see that the formal process starts when the EPA Regional Administrator makes the determination to issue a public notice of a Proposed Determination to withdraw, prohibit, deny, or restrict the specification of a defined area for discharge of dredged or fill material. I'm interested in learning *how* the Regional Administrator makes that determination, *what the timeline* for that is, and *what factors* go into making that determination. I'd also like someone to walk me through the "Veto" process if that determination is made.

Moreover, not in their letter, but in anecdotal conversations, Ojibwe leaders have referenced the Pebble Mine in Alaska as a template for the EPA using 404(C) to stop a project. If I could talk to someone with knowledge of that issue, I'd appreciate it.

Ideally, I'd love to do a video Skype or phone interview. My deadline is 3pm today. Please be in touch via email or the phone number below. Thank you for your help!

Best,

Ben

Ben Meyer  
Newswatch 12 WJFW-TV

Rhineland, WI 54501  
(715) 365-4701